

SENATE JOINT RESOLUTION 63

By Kilby

A RESOLUTION to urge the Centers for Medicare and Medicaid Services to authorize TennCare to take measures to address recipient fraud.

WHEREAS, fraud and misuse of TennCare benefits and payments is an abuse of taxpayers' dollars and deprives worthy citizens of their TennCare needs; and

WHEREAS, Tennessee has taken a number of vigorous steps to combat fraud, including the expansion of the capacity within the TennCare Office of Inspector General; and

WHEREAS, in 2004, this General Assembly enacted legislation that sought to authorize Tennessee courts to disqualify from TennCare persons who have been convicted of criminal offenses for TennCare fraud or the illegal sale of prescription drugs received from TennCare; and

WHEREAS, any imposition of a state penalty for fraud must be consistent with federal law and the TennCare waiver and the Centers for Medicare and Medicaid Services interpretation of such federal law and waiver; and

WHEREAS, under present law persons who are convicted of the illegal sale of prescription drugs obtained through the TennCare program must also be incarcerated before their TennCare benefits and payments cease; and

WHEREAS, many first time offenders of the illegal sale of prescription drugs are not incarcerated due to overcrowding in the correction system and thus are able to continue to receive TennCare benefits and payments even though such persons have, in the minds of this General Assembly, forfeited their rights to continue to receive such benefits and payments; and

WHEREAS, any fraud or abuse of TennCare resources is repugnant and should be dealt with severely, but in light of the proposed cuts to TennCare the presence of fraud or abuse in this program is unconscionable, and

WHEREAS, the Bureau of TennCare is able to take necessary steps to punish and remedy provider abuse, but is limited in its response to recipient abuse; and

WHEREAS, it is time to provide the State of Tennessee with the tools it needs to ensure that TennCare is provided to those persons who truly are eligible and responsible in their use of such services; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY, THE HOUSE OF REPRESENTATIVES CONCURRING, that the Centers for Medicare and Medicaid Services is strongly urged to grant the State of Tennessee the authority to disqualify TennCare enrollees who have been convicted under state law of fraud against the TennCare program or the illegal sale of prescription drugs obtained through the TennCare program.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Centers for Medicare and Medicaid Services with this final clause omitted.